

REMARKS

Applicant acknowledges, with appreciation, the allowance of claims 1-6, and the indication that claims 11-19, 21-26 and 29-43 contain allowable subject matter. Claims 1-43 are currently pending, with claims 1, 7 and 20 being the independent claims. The Abstract has been amended. Claims 1-43 have been amended. The amendment to claims 2-6, 8-18 and 21-43 are to correct minor claim wording, and are cosmetic in nature. No new matter has been added. Reconsideration of the application, as amended, is respectfully requested.

The specification has been amended to indicate that the present application is a U.S. National Phase Application under 35 USC §371 of International Application PCT/EP99/03517, filed on 21 May 1999. Applicant requests the Examiner acknowledge Applicant's priority claim by providing an indication of this on any subsequent Office Action Summary (Form PTOL-326) that may issue.

In the Office Action dated November 15, 2005, independent claims 1, 7 and 20, and dependent claim 19 were objected to based on certain informalities. In response to this objection, Applicant has amended the claims in a manner that is believed to address each specific objection. Withdrawal of the objections is requested.

The Examiner has objected to the Abstract of the Disclosure based on the inclusion therein of certain language. In response to this objection, Applicant has amended the Abstract to address the specific objection. Withdrawal of the objection is in order.

In the Office Action dated November 15, 2005, independent claims 7 and 20, and dependent claims 8-10 were rejected under 35 U.S.C. §103(a) as unpatentable over 3rd Generation Partnership Project; Technical Specification Group Services and Systems Aspects QoS Concept (3G TR 23.907 version 1.1.0) ("TR 23.907"), while dependent claims 27 and 28 were rejected under 35 U.S.C. §103(a) as unpatentable over TR 23.907 in view of Applicant's background of the present invention ("*ABPP*"). For the following reasons, it is respectfully submitted that all claims of the present application are patentable over the cited reference.

The invention relates to a method for setting a delivery order attribute (DOA) as a parameter for transmission of data packets in a packet data network, a method for transmission of data packets in the packet data network, and to a network element for controlling transmission of the data packets in the packet data network (see pg. 1, lines 8-14 of the originally filed specification). In accordance with the claimed invention, PDP context QoS parameters are derived from available information

and used to optimize data packet transmission for different services while simplifying a user interface required for configuring services available to the user (see pg. 1, lines 19-22 and pg. 5, lines 22-25 of the originally filed specification).

The Office Action (pg. 4) states:

[TR 23.907] teaches the detecting ... the determining and processing steps. However, [TR 23.907] fails to teach which step is performed first, i.e., the step of deciding if the delivery order attribute is set is performed prior to carrying out the determining and processing steps as recited in the claims.

It would have been obvious to one skilled in the art at the time ... the invention was made to modify the teaching of [TR 23.09] to include the step of deciding, whether said delivery order attribute parameter is set; and if so perform the determining and processing steps as recited in the claim. Such modification is a [design] choice and involves only arranging of the method steps such that if the Delivery order attribute is set to "y", then the Traffic class would be determined and the traffic would be processed accordingly.

TR 23.907 fails to teach or suggest the method recited in independent claim 7, as well as the network element of claim 20 in which the method of claim 7 is implemented. The delivery order attribute is described in the background of the originally filed specification at pg. 4, lines 15-27. As stated therein, the delivery order attribute, i.e., a PDP context QoS parameter, is defined and included in a set of UMTS bearer QoS parameters. In addition, the specification states, the delivery order attribute parameter (DOA) defines whether the order of transmitted packages must be maintained for the UMTS.

TR 23.907 (pg. 17, paragraph 6.4.2.1) teaches that the delivery order attribute indicates whether or not a UMTS bearer shall provide in-sequence SDU delivery. TR 23.907 (pg. 17) states, "the [delivery order attribute] is derived from the user protocol [PDP type] and specifies [whether] out-of-sequence SDUs are acceptable".

TR 23.907 (pg. 20, paragraph 6.4.2.3) discloses a table that summaries the UMTS bearer attributes. TR 23.907 (pg. 20, paragraph 6.4.2.3) states, "in Table 2, the defined UMTS bearer attributes and their relevancy for each bearer class are summarized". TR 23.907 (pg. 17) states, "this information [i.e., the delivery order attribute] cannot be extracted from the traffic_class". Thus, TR 23.907 teaches that the delivery order attribute is only associated with a respective traffic class. Put differently, TR 23.907 teaches nothing more than what is described in the

background section of the specification of the present application, i.e., a delivery order attribute that defines whether the order of transmitted packages must be maintained for the UMTS.

Allowed independent claim 1 is directed to the method set forth in the flow chart of Fig. 2, which performs the steps associated with setting a delivery order attribute for a specific predetermined type of a PDP context such that the delivery order attribute becomes a new quality of service (QoS) parameter for a PDP context. Independent claim 7 is a method associated with the setting of the new QoS parameter for a PDP context, wherein claim 7 and corresponding claim 20 define the respective data communication using such a PDP context. Specifically, independent claim 7 is directed to the method set forth in the flow chart of Fig. 3, where independent claim 20 is the corresponding network element in which the method of claim 7 is implemented. Therefore, independent claims 7 and 20 are also allowable for the same reasons associated with claim 1.

In accordance with the claimed invention, PDP context QoS parameters are detected and a check is performed to determine whether a delivery order attribute is set for the PDP context. The traffic class is determined only after such a determination is made, where different types of processing are applied to different types of traffic classes. Consequently, the claimed invention is directed to performing data packet transmissions based on at least an evaluation of a delivery order parameter that is set for a specific transmission protocol type, i.e., PDP type. Here, the claimed invention advantageously uses a “known” parameter (i.e., the delivery order attribute) in a different hierarchical layer of the communication network protocol.

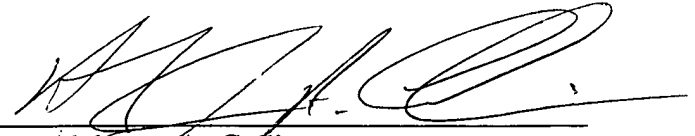
TR 23.907 fails to teach the use of the delivery order attribute in the claimed manner. TR 23.907 teaches that the delivery attribute parameter only provides an indication of whether out-of-sequence SDUs are acceptable. TR 23.907 teaches that the delivery order attribute is only associated with a respective traffic class. Moreover, TR 23.907 specifically states that the delivery order information cannot be extracted from the traffic class. Thus, TR 23.907 fails to teach or suggest the detecting, deciding and determining steps associated with a delivery order parameter recited in independent claim 7 or the corresponding network element of claim 20 in which the method of claim 7 is implemented. Accordingly, amended independent claims 1, 7 and 20 are all patentable over TR 23.907 and therefore, withdrawal of all the rejections under 35 U.S.C. §103 is in order, and a notice to that effect is earnestly solicited.

In view of the patentability of independent claim 1, 7 and 20, for the reasons set forth above, dependent claims 2-6, 8-19 and 21-43 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Respectfully submitted,

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Dated: April 13, 2006